

Suspending limitations on conference committee
jurisdiction, S.B. No. 473

By: Ellis

S.R. No. 1008

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 78th Legislature, Regular Session, 2003, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill No. 473, relating to assisting consumers to prevent identity theft; providing penalties, to consider and take action on the following matter:

(1) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add new text to Section 35.58, Business & Commerce Code, as added by the bill, so that the section reads as follows:

Sec. 35.58. CONFIDENTIALITY OF SOCIAL SECURITY NUMBER.

(a) A person, other than government or a governmental subdivision or agency, may not:

(1) intentionally communicate or otherwise make available to the general public an individual's social security number;

(2) display an individual's social security number on a card or other device required to access a product or service provided by the person;

(3) require an individual to transmit the individual's social security number over the Internet unless the connection with the Internet is secure or the number is encrypted;

(4) require an individual's social security number for access to an Internet website, unless a password or unique personal identification number or other authentication device is also required for access; or

(5) print an individual's social security number on any materials, except as provided by Subsection (f), that are sent by mail, unless state or federal law requires that the individual's social security number be included in the materials.

(b) A person that is using an individual's social security number before January 1, 2005, in a manner prohibited by Subsection (a) may continue that use if:

(1) the use is continuous; and

(2) the person provides annual disclosure to the individual, beginning January 1, 2006, stating that on written request from the individual the person will cease to use the individual's social security number in a manner prohibited by Subsection (a).

(c) A person, other than government or a governmental subdivision or agency, may not deny services to an individual because the individual makes a written request under Subsection (b).

(d) If a person receives a written request from an individual directing the person to stop using the individual's social security number in a manner prohibited by Subsection (a), the person shall comply with the request not later than the 30th day after the date the request is received. The person may not

impose a fee or charge for complying with the request.

(e) This section does not apply to:

(1) the collection, use, or release of a social security number that is required by state or federal law, including Chapter 552, Government Code;

(2) the use of a social security number for internal verification or administrative purposes;

(3) documents that are recorded or required to be open to the public under Chapter 552, Government Code;

(4) court records; or

(5) an institution of higher education if the use of a social security number by the institution is regulated by Chapter 51, Education Code, or another provision of the Education Code.

(f) Subsection (a)(5) does not apply to an application or form sent by mail, including a document sent:

(1) as part of an application or enrollment process;

(2) to establish, amend, or terminate an account, contract, or policy; or

(3) to confirm the accuracy of a social security number.

Explanation: The addition is necessary to establish a date on which disclosure to an individual concerning use of the individual's social security number must begin, to allow institutions of higher education to use an individual's social security number to comply with provisions of the Education Code, and to provide that a person who receives a request to stop using

an individual's social security number must honor that request free of charge by a certain time.

(2) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new Subsection (f) to SECTION 10 of the bill, to read as follows:

(f) An institution of higher education that is not subject to the exemption prescribed by Section 35.58(e)(5), Business & Commerce Code, as added by this Act, shall begin acting in compliance with Section 35.58, Business & Commerce Code, as added by this Act, on or before September 1, 2007.

Explanation: The added text is necessary to explain when institutions of higher education must comply with Section 35.58, Business & Commerce Code.

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on June 1, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate